

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>GERTRUDE T. GUARD,</b>	:	<b>CIVIL ACTION NO. 1:14-CV-2239</b>
	:	
<b>Plaintiff</b>	:	<b>(Chief Judge Conner)</b>
	:	
<b>v.</b>	:	
	:	
<b>CAROLYN W. COLVIN, Acting Commissioner of Social Security,</b>	:	
	:	
<b>Defendant</b>	:	

**ORDER**

AND NOW, this 3rd day of February, 2016, upon consideration of the report (Doc. 24) of Magistrate Judge Joseph F. Saporito, Jr., recommending that the court dismiss the appeal (Doc. 1) of Gertrude T. Guard (“Guard”) from the decision of the administrative law judge denying her application for supplemental security income and disability insurance benefits, and, following an independent review of the record, the court being in agreement with Judge Saporito that the decision of the administrative law judge is “supported by substantial evidence,” 42 U.S.C. § 405(g); Fagnoli v. Massanari, 247 F.3d 34, 38 (3d Cir. 2001), and the court noting that Guard filed objections (Doc. 27) to the report, and that the Commissioner of Social Security (“Commissioner”) waived the opportunity to respond, (see Doc. 28), and following a *de novo* review of the contested portions of the report, see Behar v. Pa. Dep’t of Transp., 791 F. Supp. 2d 383, 389 (M.D. Pa. 2011) (citing Sample v. Diecks, 885 F.2d 1099, 1106 n.3 (3d Cir. 1989); 28 U.S.C. § 636(b)(1)(C)), and applying a clear error standard of review to the uncontested portions, see Cruz v. Chater, 990 F. Supp. 375,

376-78 (M.D. Pa. 1999), the court finding Judge Saporito's analysis to be thorough, well-reasoned, and fully supported by the record, and further finding Guard's objection to be without merit and squarely addressed by the report, it is hereby ORDERED that:

1. The report (Doc. 24) of Magistrate Judge Saporito is ADOPTED.
2. The decision of the Commissioner of Social Security ("Commissioner") denying the application for supplemental security income and disability insurance benefits of Gertrude T. Guard is AFFIRMED.
3. The Clerk of Court shall enter judgment in favor of the Commissioner and against Gertrude T. Guard as set forth in paragraph 2.
4. The Clerk of Court is directed to CLOSE this case.

/S/ CHRISTOPHER C. CONNER  
Christopher C. Conner, Chief Judge  
United States District Court  
Middle District of Pennsylvania